

SEP 08 2005

VIA FACSIMILE: 1-703-872-9306

Atty. Docket No. FLO03 P-300A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1775  
Examiner : Abraham Bahta  
Applicant : Timothy J. Flohe  
Appln. No. : 10/749,603  
Filing Date : December 31, 2003  
Confirmation No. : 8522  
For : PROCESS FOR MAKING ORNAMENTAL DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:


CERTIFICATION OF FACSIMILE TRANSMISSION

In response to a telephonic request by the Examiner on September 6, 2005, I hereby certify that the following papers are being transmitted by facsimile to the Patent and Trademark Office on the date shown below:

1. Terminal Disclaimer To Obviate A Double Patenting Rejection Over A "Prior" Patent (prior Patent No. 6,783,815) (in duplicate) with fee to be charged to Deposit Account No. 16-2463, and
2. Terminal Disclaimer To Obviate A Double Patenting Rejection Over A "Prior" Patent (prior Patent No. D472,183) (in duplicate) with fee to be charged to Deposit Account No. 16-2463.

YOU SHOULD RECEIVE A TOTAL OF 5 PAGES.

September 8, 2005  
Date

  
Deborah A. Clark  
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(616) 949-9610

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
FLO03 P-300A

In re Application of: Timothy J. Flohe

Application No.: 10/749,603

Filed: December 31, 2003

For: PROCESS FOR MAKING ORNAMENTAL DEVICE

The owner, Timothy J. Flohe, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,783,815 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 35 502

Gunther J. Evanina  
Signature

09/08/2005  
Date

Gunther J. Evanina  
Typed or printed name

(616) 949-9610  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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